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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 002246

SIPDIS

DEPARTMENT FOR EUR/SE

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [TU](#) [OSCE](#)

SUBJECT: APPEALS COURT UPHOLDS CONVICTION IN LONG-STANDING
MANISA TORTURE CASE

REF: A. 02 ANKARA 7467

[1](#)B. 02 ANKARA 6189

Classified by Polcouns John Kunstadter; reasons 1.5 b and d.

[1](#)1. (C) Summary: An appeals court upheld the torture convictions of 10 police officers in the high-profile 1996 Manisa case; the ruling is final. The officers are expected to serve jail terms ranging from two years to more than four years. Human rights observers and European diplomats welcomed the ruling, but said it does not necessarily indicate a broader trend toward eroding the climate of impunity for police who commit torture. End Summary.

Ruling Ends Long, High-Profile Trial

[1](#)2. (U) The Turkish Court of Appeals 8th Department April 4 unanimously upheld the October 16 ruling by the Manisa Penal Court convicting 10 police officers of torture and sentencing them to prison terms ranging from five to 11 years (reftel A). The officers were sentenced to 10 months imprisonment for each detainee they tortured. According to the Prosecution Law, under which convicts serve a portion of their sentences, the officers' actual time behind bars is expected to range from two years to four years, four months. The defense cannot appeal the ruling.

[1](#)3. (C) The decision ended a seven-and-a-half-year trial plagued by repeated reversals and procedural delays. The ruling came less than three months before the statute of limitations in the case was set to expire, which would have ended the case with no verdict. An Embassy contact told us that Interior Ministry officials had complicated efforts by the court to contact the defendants in an attempt to delay the case long enough to avoid a verdict (reftel B), a common practice in police torture cases.

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Observers Welcome Ruling, But Remain Skeptical

[1](#)4. (U) Justice Minister Cicek publicly praised the ruling, saying that police will now "think nine more times" before committing torture. Pelin Erda, one of the victims' attorneys, told us the ruling is important because police charged with torture in Turkey rarely do jail time. She averred that the ruling will discourage police from torturing detainees and encourage victims to press charges. Still, she noted that the court sentenced the defendants to the shortest jail terms permitted for torture. Husnu Ondul, president of the Human Rights Association, said the significance of one, high-profile conviction should not be overstated. Noting that defendants in other recent torture cases have been acquitted or given light sentences, he argued that the GOT needs to launch a broad anti-torture campaign.

[1](#)5. (C) The case drew close international attention due to the large number of defendants and the possibility that the accused would go unpunished because of a lapse of time. The EU used the case as a test of the GOT's human rights reforms, tracking the proceedings in its progress reports on Turkey's EU candidacy. German and Danish diplomats told us the Manisa case was at the top of the agenda for the EU's Turkey watchers. They said a decision to overturn the conviction would have been disastrous, as EU observers were expecting the October ruling to be upheld. Both diplomats agreed this ruling alone will not dramatically improve Turkey's image in EU capitals; Europeans will wait and see whether a trend emerges.

Comment

16. (C) The Turkish judicial system's general inability to put law-breaking police behind bars has contributed greatly to the climate of impunity for torture. For that reason, this ruling is significant. But the skeptics have it right -- one high-profile case does not necessarily indicate a sea change. In the area of human rights reform, the GOT has a tendency to highlight individual successes while delaying fundamental change. It is worth noting that the defendants in this case remained on the streets during their trial, while defendants charged with speech crimes and other lesser offenses are routinely held until a verdict is reached.

PEARSON